IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1822 OF 2003

Rameshchandra Mohanlal Bagrecha Petitioner
versus
State of Maharashtra & others Respondents

Mr.K.R.Iyangar for petitioner.
Mrs.M.H.Mhatre, APP for respondents.
Mr.Navin Joshi for respondent no.2.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th August 2006

PC :

1. After hearing Shri Iyangar at length and despite his best efforts, I am not inclined to exercise inherent powers to interfere with an order of the Revisional Court exercising its powers under section 452 of Cr.P.C. and making an interim arrangement for the property involved in the dispute/offence. Apart from this, I see no error apparent or any perversity in the approach of the Sessions Judge so as to call for any interference either under writ jurisdiction or under section 482 of Cr.P.C..

2. However, in the light of the fact that ad-interim order has been continuing from 5th August 2004, ends of justice would be met if the same is continued for a period of four weeks, to enable the petitioner to assert his right, title and interest in the jewellery articles by instituting a civil suit and applying for appropriate interim orders therein. This order does not prevent the applicant from so applying and the Trial Court, seized of the suit, from passing appropriate orders in accordance with law after hearing both sides. All contentions of both sides in that behalf are expressly kept open. Needless to state that the order of this Court does not mean that the jewellery articles which are already disposed off have to be handed over. The direction in the Sessions Judge's order was clear inasmuch as respondents would have to make good the money equivalent which has been done according to Shri Navin Joshi appearing for respondent no.2. Writ Petition disposed of.

(S.C.DHARMADHIKARI, J.)